

SABINO ESTATES

SCOTTSDALE, ARIZONA



REVISED DESIGN GUIDELINES

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A. Architectural Design Standards

1. Height limitations: All houses will be limited to one-story with a maximum height of twenty-four (24) feet as measured from existing grade on each lot.

2. Exterior wall finishes: Dash, sand or smooth stucco exteriors are encouraged, and lace stucco finishes are prohibited. All other exterior finishes are subject to Architectural Committee (the "Committee") approval. Wall materials, textures, detailing, and visual characteristics should be consistent from one elevation to the next around the entire perimeter of the house.

Walls that can be seen from the street shall be stuccoed and painted to match the home's exterior. Lot walls and fences that abut common areas or tracts for the Project, shall also serve as "Perimeter Fences" as defined in Section E of these Design Guidelines and shall be constructed as approved by the Committee.

3. Colors: All colors that are visible from the street, common areas, or neighboring lots are subject to Committee approval, in order to maintain the color scheme established for this project. In maintaining consistency with the desert surroundings and natural environment, (darker earth color tones will be required.) Colors shall be consistent from one elevation to the next around the entire perimeter of the house and structures.





ADMINISTRATIVE CONSTRUCTION POLICY # 88-14

CITY OF SCOTTSDALE

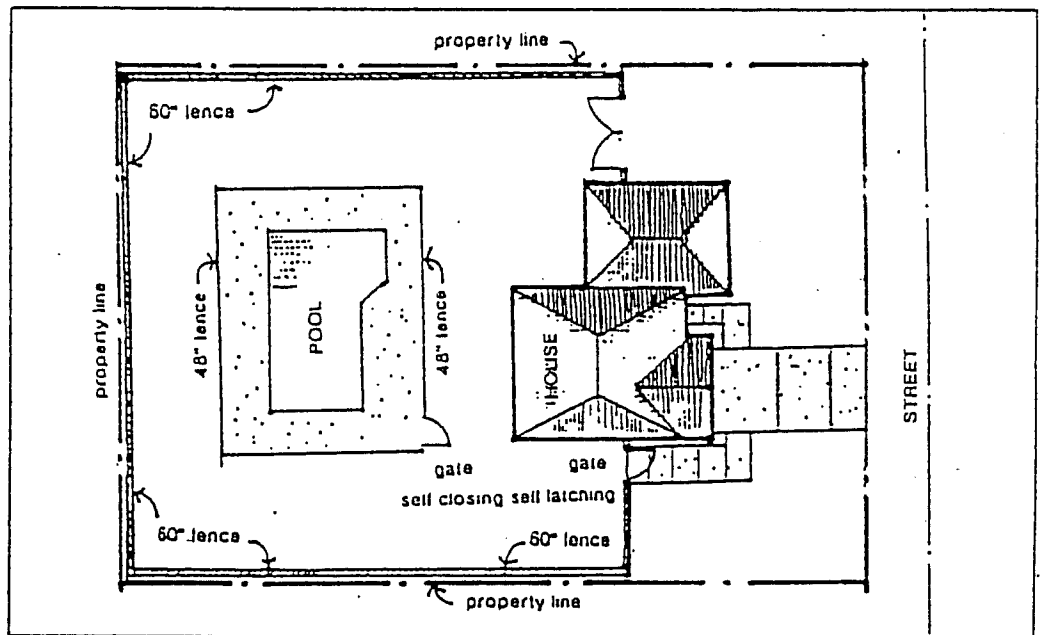
PLANNING & DEVELOPMENT DEPARTMENT

SUBJECT :PRIVATE SWIMMING POOL PROTECTION

On June 15, 1992, the City of Scottsdale adopted new pool protection requirements as a part of the city building code. On June 20, 1995, the requirements were reconfirmed, with minor modifications, when the City adopted the 1994 Uniform Building Code. The purpose of these requirements is to provide an integrated level of protection against potential swimming pool drownings through the use of physical barriers and warning devices. It is not intended as a substitute for adult supervision of children.

Scottsdale's current swimming pool barrier requirements apply to all single-family residential swimming pools, spas and hot tubs constructed after July 20, 1995. There are no exemptions for households without children. Since the requirements are not retroactive, pools constructed prior to July 15, 1992, need only comply with the 54" perimeter yard fencing and gate requirement in effect at the time. Pools constructed from July 15, 1992, until July 20, 1995, must meet the current requirements, except perimeter fence height, which has increased to 60".

The current requirements for new swimming pools include a fence that separates the pool from OTHER property (commonly a perimeter fence, located on the property line) that is at least 60" high; and a barrier which separates the pool from the house on the SAME property, which may be a fence 48" high. Please refer to Ordinance No. 2783 for specific requirements.



It is the responsibility of the pool builder to inform the new pool owner of the barrier requirements. It is the responsibility of the property

owner or any other person in charge of a swimming pool to ensure that the required swimming pool barrier, including gates, doors, alarms, locks and / or latches are maintained in safe and good working order at all times.

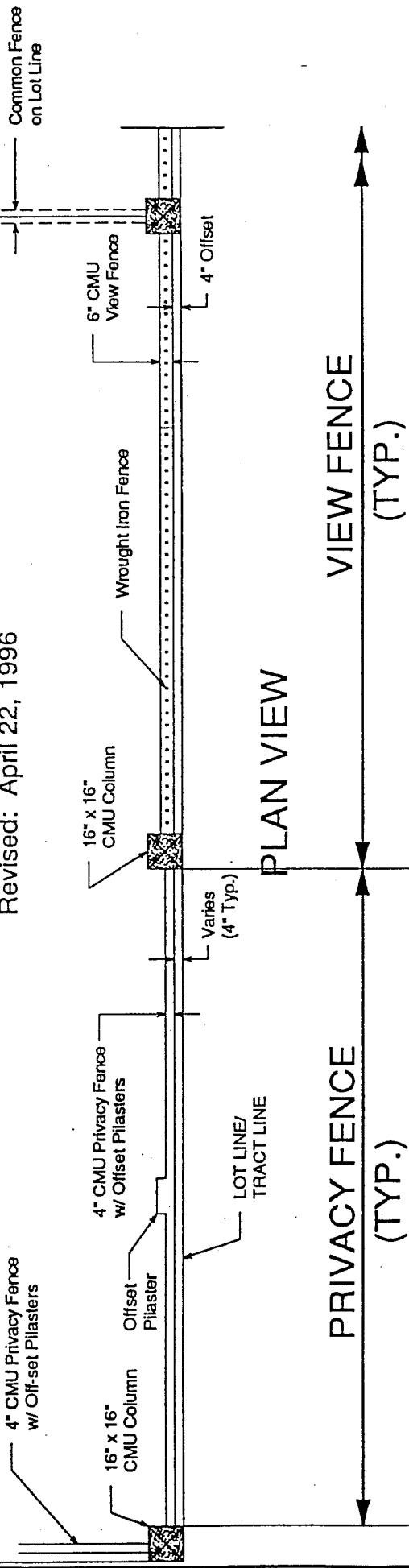
These pool safety provisions are based upon nationally established standards and are designed to assist homeowners in the supervision of their pools for current or future use by children. We feel they offer reasonable opportunities for Scottsdale homeowners to provide for adequate pool safety by integrating various components of barrier protection.

Anthony C. Floyd
Building Official
rev.10/11/95

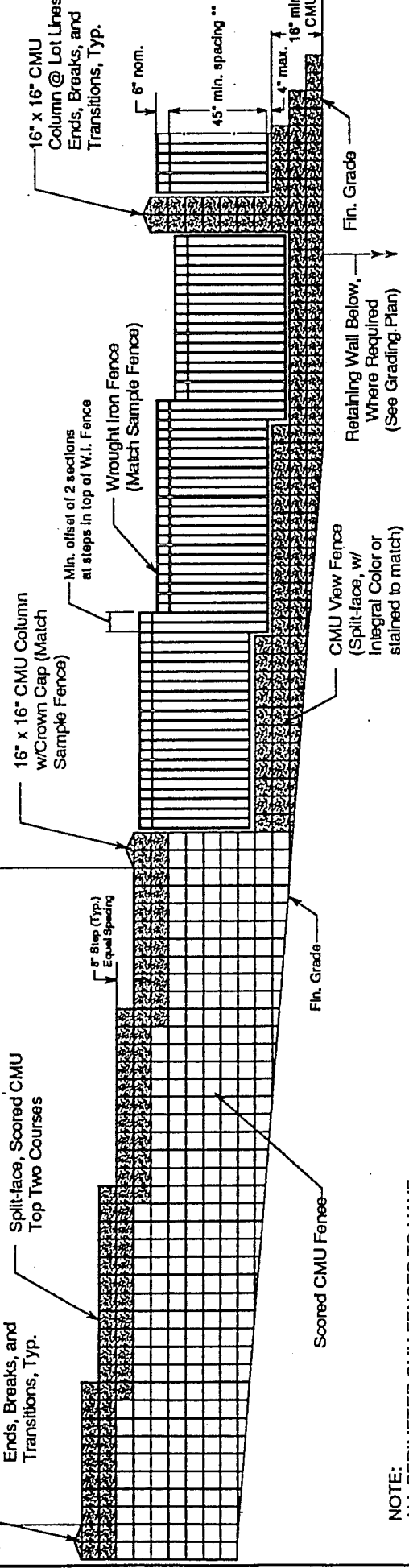
Exhibit "A"

SABINO ESTATES PERIMETER FENCE DETAIL

Revised: April 22, 1996



** Dimensions for wrought iron shown are for pool/spa barriers on perimeter view fences. Builder is responsible for compliance with City of Scottsdale Ordinance No. 2783 (effective July 20, 1995, or latest revision). If no pool/spa is constructed on a specific lot, or pool/spa has additional barrier fencing which complies with this Ordinance, these dimensions may be altered with approval of Architectural Committee.



NOTE:
ALL PERIMETER CMU FENCES TO HAVE INTEGRAL COLOR, AND/OR STAINED TO MATCH. COLOR TO BE #109 BROWN, MADE BY SUPERLITE BUILDING MATERIALS.

ELEVATION VIEW



BARRIERS FOR SWIMMING POOLS, SPAS, AND HOT TUBS

(UBC Appendix, Chapter 4, Division 1 as amended)

Sec. 421.1 Outdoor Swimming Pool. An outdoor swimming pool shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following:

1. The top of the barrier shall be 48 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool. If perimeter fencing around the yard in which the pool is located is used as part of the barrier, the perimeter fencing shall be at least 60 inches (1524 mm) high. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to 4 inches (102 mm) when grade is a solid surface such as a concrete deck, or when the barrier is mounted on the top of the aboveground pool structure. When barriers have horizontal members spaced less than 45 inches (1143 mm) apart, the horizontal members shall be placed on the pool side of the barrier. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited. Barriers shall be located so as to prohibit permanent structures, equipment, or similar objects from being used to climb the barriers. Where common fences on adjacent property lines of existing developed lots serve as the barrier, the height may be measured on the side that faces the swimming pool. The pool side of the barrier shall be not less than 20 inches from the edge of the water.
2. Openings in the barrier shall not allow passage of a 1 1/2-inch-diameter (44 mm) sphere.

EXCEPTIONS:

 1. When vertical spacing between such openings is 45 inches (1,143 mm) or more, the opening size may be increased such that the passage of a 4-inch-diameter (102 mm) sphere is not allowed.
 2. For fencing composed of vertical and horizontal members, the spacing between vertical members may be increased up to 4-inches (102 mm) when the distance between the tops of horizontal members is 45 inches (1,143 mm) or more.
3. Chain link fences used as the barrier shall not be less than 11 gauge.
4. When access gates are provided, they shall comply with the requirements of Items 1 through 3. Pedestrian access gates shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) above grade, (1) the release mechanism shall be located on the pool side of the barrier at least 3 inches (76 mm) below the top of the gate, and (2) the gate and barrier shall have no opening greater than 1/2 inch (13 mm) within 18 inches (457 mm) of the release mechanism. Pedestrian gates shall swing away from the pool. Any gates other than pedestrian access gates shall be equipped with lockable hardware or padlocks and shall remain locked at all times when not in use.

swimming pool, which provide direct access to the pool, a separation fence meeting the requirements of Items 1,2,3, and 4 above shall be provided.

EXCEPTIONS: One of the following may be used in lieu of a separation fence: 1. Self-Closing and self-latching devices installed on all doors with direct access to the pool with the release mechanism located a minimum of 54 inches (1,372 mm) above the floor. A locking latch which uses a key, electronic opener, or integral combination lock, may be located at any height, provided the door is not a primary exit.

2. An alarm installed on all doors with direct access to the pool. The alarm shall sound continuously for a minimum of 30 seconds beginning within the first seconds after the door and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than 85dBA when measured indoors at 10 feet (3,048 mm). The sound of the alarm shall be distinctive from other household sounds such as smoke alarms, telephones, and door bells. The alarm shall automatically reset under all conditions. The alarm system may be equipped with a manual means, such as a touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last no longer than 15 seconds. An off switch will not be acceptable. The deactivation switch shall be located at least 54 inches (1,372 mm) above the floor.

6. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then (1) the ladder or steps shall be capable of being secured, locked or removed to prevent access or (2) the ladder or steps shall be surrounded by a barrier which meets the requirements of Items 1 through 6. When the ladder or steps are secured, locked, or removed, any opening created shall be protected by a barrier complying with Items 1 through 5.

7. A pool safety cover which complies with ASTM F 1346-91 may be used to meet the requirements of Items 1 through 6 above for barrier protection between the dwelling unit and swimming pool provided all other portions of the perimeter fencing around the yard are installed and maintained as required. If switching devices are used for operation of the pool safety cover, they shall be key-operated, locked away, or otherwise located in an inaccessible location. An inaccessible location shall be at a height of at least 54 inches above the deck or adjacent ground level and where the entire pool can be visually inspected during cover operation.

8. The building official may grant an exception to the above barrier requirements when it is determined that there is a natural barrier existing on the premises in the form of thorny/spiny vegetation, landscaping, or topography which prevents access to the area. An exception may also be granted for barrier protection between the dwelling unit and swimming pool when such protection precludes access by a disabled resident.

NOTE: See Ordinance #2783 for other amendments. Effective 20 July 1995

4. Roof finishes:

a. Pitched roofs: All pitched roofs visible from the street and/or neighboring lots must be finished with a clay or slate roof tile that is consistent with the design and color of the house. Flat concrete tiles are allowed only on a case-by-case basis and shall be of the darker color tones. All tiles shall be approved in writing by the Committee. The use of any other tile is discouraged, but may be allowed by the Committee, at its sole discretion.

b. Flat roofs: All flat roofs must have parapet walls so that roofs are not visible from the street and so as to attractively screen roofing elements from neighboring lots.

5. Air Conditioning Units: Roof mounted HVAC units are prohibited. Ground mounted HVAC units must be attractively screened from the street.

6. Windows: Windows must either be recessed or have an architectural treatment that creates the appearance of recessing.

7. Orientation on Lot: House location or configuration on a lot should respect the natural characteristics of the lot and the relationship to adjacent houses.

8. Window Coverings: Windows visible from the street, including garage windows, must include a professional window treatment. All temporary window coverings (i.e. newspaper, bed sheets, etc.) are prohibited.

9. Signs: One builder identification sign, one lender identification sign, and one Realtor sign may be displayed on a lot from the time of start of construction of a house on that lot until the house becomes occupied or is sold to another owner. Such signs shall comply with size limits of the City of Scottsdale. No subcontractor signs shall be permitted. Location and height of such signs shall be approved by the Committee. No signs shall be permitted in any common areas.

10. Perimeter Fences: Perimeter Fences must be constructed on the property line or entirely within the lot lines and not on common tracts. A Perimeter Fence and Landscape Easement has been reserved over all lots for this purpose, see Final Plat for information related to this easement. Perimeter fences, as well as any common walls between lots, must be erected prior to commencement of framing of the main structure. All builders are encouraged to pour fence footings along with the house footings. Penalties will be assessed for delays in perimeter fence construction.

11. Separate Structures: Separate structures, such as guest houses and gazebos, should be of the same design character, colors, and materials as the main house, and require Committee approval.

12. Minimum Floor Area: Houses will be required to exceed 3,000 square feet of livable floor area. The Committee may approve a house of smaller size if it complies with all other guidelines and is perceived as being of similar quality level to other houses in Sabino Estates.

13. Garage Orientation: Garage door orientation shall be approved by the Committee, at its sole discretion. The Committee encourages orientation away from the street the home faces.

14. Driveways and Walkways: Standard gray concrete drives and walkways located in the front yard are prohibited. Drives and walkway finishes approved included salt finishes, colored concrete, brick inlays, exposed aggregate, etc. The finish need not be excessive, just sufficient to give an upgraded appearance.

15. Storage: All exterior storage is prohibited. Automobiles, boats, RV's, or other vehicles, shall not be stored upon the property except in garages or storage units so designed for vehicle storage. Exterior storage units must match the home's exterior and are subject to Committee approval and review.

16. Landscaping and Lighting: Landscape plans for the entire lot must be submitted to the Committee for approval. Mature plantings must be used so that the home has a mature landscaped look. Lush desert vegetation is encouraged, as is the installation of some grass areas. Downlighting and landscape lighting plans must be approved by the Committee.

B. Construction Regulations

1. Construction Parking: Parking locations for vehicles, trailers, and dumpsters shall be limited to street and subject lot or driveway for each lot unless otherwise approved by the Committee. Under no circumstances is any storage or parking allowed on neighboring lots.

2. Clean-up: During construction, the owner must regularly clear the site of debris, and at completion of construction work, the owner must clear the building site of all debris and all evidence of construction.

3. Construction Time: All construction activity must be completed without interruption and within a reasonable time period. Homes must be completed within 9 months of the footings being dug and landscaping must be complete within 15 days of the home being completed. Home completion is deemed to have occurred when a certificate of occupancy is received.

4. Construction Deposit: A \$1,250.00, construction deposit payable to "Sabino Estates Limited Partnership" is required at the time of closing. \$250.00 of the deposit is absolutely nonrefundable and is used to cover costs of plan review and subdivision street sweeping.

Additionally, should the Owner fail to conform with written notices regarding maintenance of their construction site or control of the construction debris, the Committee may assess additional charges incurred with maintaining and/or cleaning the construction site and surrounding areas.

Upon final clean-up of the construction site and approval of the Committee, the Construction Deposit, less the \$250.00 nonrefundable portion, and any additional assessments or penalties charged (see B.5), will be returned to the Owner.

5. Construction Penalty: Penalties can be assessed at any time for non-compliance including, but not limited to construction commencing prior to architectural or landscape plan approval by the Committee, framing commencing prior to the completion of the perimeter fencing, etc. The Committee shall assess, and the Owner shall pay immediately, a \$500.00 penalty, if the construction commences prior to the required approval. If framing commences prior to the completion of all perimeter fencing, a \$250.00 penalty will be immediately assessed.

C. Design Review Process

1. Design submittals shall be received by the Committee which shall schedule necessary meetings, shall respond to applicants with written decisions of the Committee, and shall observe applicant conformance with Committee approvals and stipulations.

2. Design submittals may be made to the Committee at any time. Plans shall be reviewed and response made to the applicant promptly following receipt of adequate documents for review. The Committee shall have the authority to approve re-submittals for conformance with the written stipulations of a Committee review.

3. Fees. At its discretion, the Committee may establish fees for design review. Such fees may be modified from time to time. The Committee shall make a fee schedule available to all applicants.

4. Design Submittal Requirements. It is recommended that the following documents be submitted for review:

- a. Site plan, elevations, roof plan (including heights), floor plans, perimeter wall plans, pad elevations, and square footage calculations.

- b. Samples of exterior materials, colors, and textures.
- c. Landscape plans.

The Committee reserves the right to request additional information if deemed necessary.

D. Reprint of Selected CC&R Clauses:

3.1.7 Upon receipt of approval from the Architectural Committee for any construction, installation, addition, alteration, repair, change or other work, the Owner who had requested such approval shall proceed to perform, construct or make the addition, alteration, repair, change or other work approved by the Architectural Committee as soon as practicable and shall diligently pursue such work so that it is completed as soon as reasonably practicable and within such time as may be prescribed by the Architectural Committee.

3.7 Antennas. No antenna or other device for the transmission or reception of television or radio signals or any other form of electromagnetic radiation including, without limitation, satellite or microwave dishes, shall be erected, used, or maintained on any Lot without the prior written approval of the Architectural Committee.

3.19 Trucks, Trailers, Campers and Boats. No truck, mobile home, travel trailer, tent trailer, trailer, camper shell, detached camper, recreational vehicle, boat, boat trailer, or other similar equipment or vehicle may be parked, maintained, constructed, reconstructed or repaired on any Lot or Common Area or on any street so as to be Visible From Neighboring Property without the prior written approval of the Architectural Committee; except for (i) temporary construction trailers or facilities maintained during, and used exclusively in connection with, the construction of any Improvement approved by the Architectural Committee; (ii) boats and vehicles parked in garages on Lots so long as such vehicles are in good operating condition and appearance and are not under repair; (iii) motor vehicles not exceeding seven (7) feet in height and eighteen (18) feet in length which are not used for commercial purposes and which do not display any commercial name, phone number or message of any kind; or (iv) boats and boat trailers which are parked on a Lot for a period of less than thirty-six (36) hours within any seven (7) day period.

3.24 Drainage. No Residential Unit, structure, building, landscaping, fence, wall or other Improvement shall be constructed, installed, placed or maintained in any manner that would obstruct, interfere with or change the direction or flow of water in accordance with the drainage plans for the Project, or any part thereof, or for any Lot as shown on the drainage plans on file with the county or municipality in which the Project is located.

3.26 Rooftop Air Conditioners Prohibited. No air conditioning units or appurtenant equipment may be mounted, installed or maintained on the roof of any residential Unit or other building so as to be Visible From Neighboring Property.

3.28 Tennis Courts and Sport Courts. No tennis court, sport court and similar improvements shall be constructed without the prior written approval of the Architectural Committee which may require that the tennis court, sport court or similar improvement be screened in such a manner as to not be Visible From Neighboring Property and may prohibit or restrict the lighting of such tennis court, sport court of similar improvement.

5.10 Architectural Committee. The Association shall have an Architectural Committee to perform the functions of the Architectural Committee set forth in this Declaration. The Architectural Committee shall be a Committee of the Board. The Architectural Committee shall consist of such number of regular members and alternate members as may be provided for in the Bylaws. So long as the Declarant owns any Lot, the Declarant shall have the sole right to appoint and remove the members of the Architectural Committee. At such time as the Declarant no longer owns any Lot, the members of the Architectural Committee shall be appointed by the Board. The Declarant may at any time voluntarily surrender its right to appoint and remove the members of the Architectural Committee, and in that event the Declarant may require, for so long as the Declarant owns any Lot, that specified actions of the Architectural Committee, as described in a recorded instrument executed by the Declarant, be approved by the Declarant before they become effective. The Architectural Committee shall promulgate architectural guidelines and standards to be used in rendering its decisions. The decision of the Architectural Committee shall be final on all matters submitted to it pursuant to this Declaration. The Architectural Committee may establish a reasonable processing fee to defer the costs of the Association in considering any requests for approvals submitted to the Architectural Committee, which fee shall be paid at the time the request for approval is submitted.

7.5.8 As adjacent Lot Owners tie into any previously constructed wall, the new adjacent Owner must immediately pay to the Owner of the wall previously constructed one-half (1/2) of the actual cost of the wall or if the actual cost exceeds the then in effect market cost of such wall, one-half (1/2) of the then in effect market cost. The Owner responsible for construction shall issue a lien release to the adjoining Owner upon receipt of payment for construction costs from such Owner.

E. Perimeter Fence Design Standards:

1. **Definition:** Perimeter Fences shall mean any project fence (or wall), including retaining walls, constructed on or between any residential lot in this subdivision and any common area, tract or subdivision boundary. Perimeter fences shall not include fencing between building lots on a common lot line - such fences shall be called "common fences".

2. **Objective:** Perimeter fences are intended to provide continuity of design character between all lots within the subdivision and thus to enhance the beauty of the natural setting for homes which will be constructed here. Some perimeter fences will be constructed by the developer and others by the individual lot owner. All such perimeter fences shall be constructed in such a manner as to maintain this continuity of design.

The following sections describe the fundamental standards of this design and provide direction for the individual lot owner, and/or builder, in planning and constructing their respective segments of the perimeter fences. All perimeter fences shall be designed in accordance with these standards and submitted to the architectural committee, together with complete plans for the proposed residence, for review and approval prior to start of construction.

3. **Easements:** A Perimeter Fence and Landscape Easement, of varying width, has been reserved over all residential lots, as shown on the final plat for Sabino Estates (MB 396, Pg. 23), to provide for the construction and maintenance of the perimeter fences and landscaping (natural vegetation for the most part) which will be located outside of the lot due to the meandering of the perimeter fences. See the pertinent notes on the final plat for an explanation of the maintenance responsibilities of the lot owner with respect to the perimeter fences and landscaping within these easement areas.

4. **Sample Fences:** The developer will construct all retaining walls required by the City approved grading plan for the project. (Note: Individual lot owners/builders may need to construct additional retaining walls to resolve specific grade differences between lots or between a finished lot and a common area tract.) Additionally, the developer will construct portions of the perimeter fences, including both privacy fences and view fences, at critical locations within the project. These fences (the "Sample Fences") demonstrate the construction quality and design character intended for these perimeter fences. The Sample fences will be constructed on portions of Lots 1, 7, 19, 20, 26 - 32, 43 - 45, 51 - 56 and 70. Each lot owner, or builder, is encouraged to inspect these Sample Fences prior to completing a submittal for architectural committee approval of perimeter fence extensions.

5. Design Standards: All perimeter fences shall be designed and constructed in substantial conformance with the following standards and guidelines and with the Sample Fences. All perimeter fence plans shall be approved in advance by the architectural committee. Perimeter fences consist of three type of fences or walls:

a. Retaining Walls: The developer has constructed all retaining walls required for the project as currently designed and approved by the City of Scottsdale. However, an owner or builder may propose the addition of one or more retaining walls for a particular application on a specific lot which was not anticipated. In such event, the additional retaining wall(s), subject to approval by both the architectural committee and the City, shall be constructed to match the retaining walls constructed as Sample Fences. All submittals to the committee shall include structural design prepared by a licensed engineer.

b. Privacy Fences: These are full-height (5'-8" to 6'-8" above finished grade) CMU screen or privacy fences. Privacy fence heights may range from a minimum of 5' - 8" to a maximum of 6' - 8", unless otherwise approved by the committee. Privacy fences may be constructed with either 6" or 4" CMU material, but in the case of 4" CMU, offset pilasters shall be placed on the lot side of the fence. See the Sample Fences for a 4" CMU fence with offset pilasters.

c. View Fences: View fences are a composite fence consisting of a 6" CMU lower section (16-in. minimum height) plus wrought iron fencing above. The top of the wrought iron fence shall be high enough to meet City ordinances and building codes, particularly with respect to pool and spa enclosures where applicable (Ordinance. # 2783). Wrought iron sections will be installed between CMU columns set at all lot corners, at fence ends, at fence deflections greater than 30° and at such intervals as necessary to provide a pleasant and consistent appearance from the exterior side of the fence. Column shall be uniformly spaced between side lot lines across the rear lot line - a nominal spacing of 24 feet for intermediate columns is anticipated but not mandatory. Spacing and heights of columns, fences and wrought iron shall be subject to committee approval.

6. Materials:

a. Concrete, Mortar, Grout and Steel - All applicable local building standards for construction materials shall apply unless modified by an approved structural design.



b. Concrete Masonry Unit (CMU) Construction - All perimeter fences (and retaining walls) shall be constructed of Concrete Masonry Unit, with integral color (#109 Brown as manufactured by Superlite Builders Supply, Inc.), utilizing scored and/or splitface block, in standards sizes as required by the approved standard details and as used in the Sample Fences. Where necessary to maintain consistency in finished fence colors, a matching stain will be approved for application to appropriate sections of CMU fencing.

c. Wrought Iron Construction - View fences (primarily located along the NAOS and vista corridors, and away from collector streets) include the installation of wrought iron fencing above a 16-in. minimum height of CMU fence and between CMU columns. The wrought iron shall match the style, color and construction illustrated by the Sample Fences. **Wrought Iron Color:** Dunn Edwards EX177 Hickory.

7. Design Detail: The following Exhibit "A" is attached to further clarify the design character and intent for construction of perimeter fences. Note the locations and extent of special textural accents required by the design. Splitface, scored CMU is used as the primary accent element as shown. Note that integral color and/or concrete stain (#109 Brown by Superlite Building Materials) are required for all CMU Perimeter Fence construction. Also any exposed grout, mortar or footing concrete shall include integral color or stained to match.

8. Barriers For Swimming Pools, Spas and Hot Tubs: Information relative to the current City of Scottsdale requirements for barriers is attached as Exhibit "B". This Exhibit "B" is a reprint of a portion of the Uniform Building Code, adopted by the City of Scottsdale, which applies to pool enclosures and barriers. All perimeter fences shall comply with these requirements and any other provisions of City Ordinance No. 2783, or amendments, where such perimeter fences constitute all or part of the required barrier fencing around any pool, spa or hot tub within in individual lot. Builder and owner are responsible for complying with all applicable codes, standards and requirements while also complying with the intent and design concept of these design guidelines.

